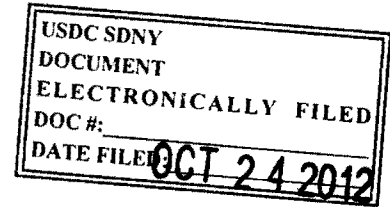


Forfeit, J

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	
UNITED STATES OF AMERICA	:
	:
Plaintiff,	:
	:
- v -	:
	:
Real Property Known as Unit 5B	:
Of The Onyx Chelsea Condominium	:
Located at 261 West 28 th Street	:
New York, New York 10001-5933	:
	:
Defendant- <i>in-rem</i> .	:
	:
-----X	

FINAL ORDER AND JUDGMENT
OF FORFEITURE

10 Civ. 5390(KBF)

WHEREAS, on July 14, 2010, the United States, through its undersigned attorneys, filed its Verified Complaint for Forfeiture *In Rem* to enforce provisions of Title 18, United States Code, Sections 981(a)(1)(A) and 981(a)(1)(C), seeking forfeiture of the defendant property (the "Property") under 18 U.S.C. § 1956(c)(7)(B)(iv) and 18 U.S.C. §§ 1956 and 1957;

WHEREAS, the Property is located within this district and within the jurisdiction of this Court;

WHEREAS, this Court for the Southern District of New York has original jurisdiction over this matter pursuant to 28 U.S.C. § 1345 (district courts have original jurisdiction of all civil

cases commenced by the United States) and § 1355(a) (district courts have original jurisdiction of any action for forfeiture);

WHEREAS, Venue is proper by virtue of 28 U.S.C. §§ 1355(b), 1391(b), and 1395;

WHEREAS, a Notice of *Lis Pendens* was filed in the Clerk's Office of New York County against the Property on August 11, 2010, and notices of the forfeiture have been posted on the Property;

WHEREAS, on November 29, 2010, Avallo, Ltd. ("Avallo") filed a claim to the Property;

WHEREAS, on September 19, 2011, this Court directed the clerk to file the United States' First Amended Verified Complaint for Forfeiture *In Rem* which provided additional details regarding the events giving rise to this *in rem* action supporting the United States' forfeiture theory of the case;

WHEREAS, the United States and Avallo are aware of their respective rights and wish to resolve this matter without further litigation and expense;

WHEREAS, in a Stipulation and Order of Settlement and Discontinuance (the "Stipulation and Order") entered into and executed by and between the United States and Avallo, endorsed and so ordered by this Court on September 24, 2012, Docket Number 57, Avallo, without admitting any liability, does not oppose the entry of a Final Order and Judgment of Forfeiture of the Property to the United States for disposition according to the terms of the Stipulation and Order as to its claim filed on November 29, 2010;

WHEREAS, the Stipulation and Order (Docket Number 57) is hereby incorporated by reference and made a part hereof;

Notice and Publication of the Verified *In Rem* Complaint

WHEREAS, on July 19, 2010, Avallo, through service on the then-director of the Global Fiduciaries Limited, the Trustee of an offshore trust which held Avallo at the time of filing the captioned *in rem* forfeiture action, was served with a copy of the Complaint and Notice of Complaint and has entered an appearance in this case through its counsel;

WHEREAS, notice of this proceeding was published on the government website www.forfeiture.gov for 30 consecutive days starting on July 22, 2010, and the deadline for third party claims to be filed in this matter expired on September 19, 2010;

WHEREAS, Avallo is the only claimant known to have, or to have asserted an interest in the Property, no other parties have filed a claim in this action, and the requisite time periods for doing so have expired.

NOW, THEREFORE, in consideration of the foregoing,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. Any and all right, title and interest in and to the Property, to wit, Real Property

Known as Unit 5B of the Onyx Chelsea Condominium Located at 261 West 28th

Street, New York, New York, 10001-5933, which is legally described as follows:

The Condominium Unit ("Unit") known as Unit No. 5B in the building designated by the street address of 261 West 28th Street ("Building") in The Onyx Chelsea Condominium ("Condominium"), Borough of Manhattan, County, City, and State of New York, said Unit being designated and described by the above Unit No. in a certain declaration dated August 16, 2007, made pursuant to Article 9-B of the Real Property Law of the State of New York ("Condominium Act") establishing a plan for condominium ownership of the Building and the Land ("Land") upon which the Building is situate (which Land is more particularly described as; All that certain lot, piece or parcel of land, situate, lying and being in the Borough of Manhattan, City, County and State of New York, bounded and described as follows: Beginning at the corner formed by the intersection of the northerly side of West 28th Street with the easterly side of Eighth Avenue; Running thence northerly, along the easterly side of Eighth Avenue, a distance of 73 feet 5-1/2

inches to a point; Thence easterly, at right angles to Eighth Avenue, a distance of 103 feet 8-1/4 inches to a point; Thence southerly, along a line forming an interior angle of 91 degrees 00 minutes 50 seconds with the preceding course, a distance of 73 feet 5-3/4 inches to the northerly side of West 28th Street; Thence westerly, along the northerly side of West 28th Street, a distance of 104 feet 11-7/8 inches to the corner aforesaid, the point or place of Beginning), which declaration was recorded in the Office of the Register of the City of New York, County of New York ("Register's Office") on October 15, 2007, under CRFN #2007000521004 ("Declaration"). The Unit is also designated as Tax Lot 1019 in block 778 of Section 3 of the Borough of Manhattan on the Tax Map of the Real Property Assessment Department of The City of New York and on the Floor Plans of the Building, certified by FXFOWLES Architects, PC and filed with the Real Property Assessment Department of The City of New York on October 5, 2007, as Condominium Plan No. 1795 and also filed in the Register's Office on October 15, 2007, as Condominium Map No. CRFN #2007000521005.

is hereby FORFEITED to the United States of America pursuant to the terms of the Stipulation and Order. Further, any right, title, and interest of Avallo and its successors and assigns, and any right, title and ownership interest of all other persons in the Property that is being forfeited to the United States is hereby and forever EXTINGUISHED.

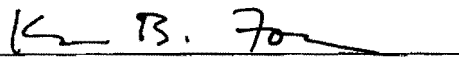
2. Following this Court's entry of the Final Order and Judgment of Forfeiture, clear title to said Property shall be hereby VESTED in the United States, and the United States is authorized to dispose of the Property according to law.
3. The United States, out of the net proceeds remaining from the sale of the Property after payment of the relevant expenses, shall return to Avallo \$225,000 in United States currency.
4. Avallo acknowledges that the said funds, \$225,000, may be subject to offset by the United States, pursuant to the provisions of 31 U.S.C. § 3716, or by other provisions of law. This disbursement will be via electronic funds transfer to Harris & Houghteling LLP's client trust account.


5. This Final Order and Judgment of Forfeiture resolves this matter, specifically United States District Court Civil Matter, 10 Civ. 5390 (KBF), entitled *United States of America v. Real Property Known as Unit 5B of the Onyx Chelsea Condominium Located at 261 West 28th Street, New York, New York, 10001-5933*.
6. Upon disbursement of the funds as described in Paragraph 3 above, this Court's jurisdiction over the Property shall be dismissed with prejudice except for purposes of enforcement of the terms of the Stipulation and Order (Docket Number 57) and this Final Order and Judgment of Forfeiture.
7. The United States and Avallo agree to bear their own costs and attorneys fees in this matter.

It is SO ORDERED.

Dated: New York, New York

10 | 24, 2012


KATHERINE B. FORREST
United States District Judge


The clerk of court is directed to close
this case.